

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

PHILE ANDRA WATSON,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO.
VS.	)	
	)	3:20-CV-0181-G-BK
MEGAN J. BRENNAN, POSTMASTER	)	
GENERAL UNITED STATES POSTAL	)	
SERVICE,	)	
	)	
Defendant.	)	

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions and a recommendation in this case. The magistrate judge recommended that the court dismiss the plaintiff's claims, without prejudice, because the plaintiff failed to effect service of process on the defendant. On May 5, 2020, the plaintiff filed a proof of service executed as to the defendant; however, the plaintiff herself served the summons. Summons (docket entry 9). In light of plaintiff's proof of service, the court has made a *de novo* review of the magistrate judge's findings.

While the plaintiff may serve a defendant pursuant to either Federal Rule of Civil Procedure 4 or the Texas Rules of Civil Procedure, neither permit service of a defendant by a party to the suit. See *Justice v. Burten*, No. 2:04-CV-0102, 2006 WL 770447, at \*3 (N.D. Tex. Mar. 27, 2006) (Robinson, J.) (finding that although

service by certified mail is allowed under the Texas Rules, a party to the suit may not serve the defendant); see also Fed. R. Civ. P. 4(c)(2) (“Any person who is at least 18 years old and not a party may serve a summons and complaint.”). Accordingly, the Court ACCEPTS the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

**SO ORDERED.**

June 2, 2020.

  
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A. JOE FISH  
Senior United States District Judge